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EXAMINER ZIMMERMAN, MATTHEW E				
ART UNIT 3625		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTOCommunications@hoffmanwarnick.com

Office Action Summary

Application No.

10/688,039

Applicant(s)

CROSSGROVE ET AL.

Examiner

MATTHEW ZIMMERMAN

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 May 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7-10, 12-20, 22 and 23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-10, 12-20, 22 and 23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Status of Claims

1. Claims 1-5, 7-10, 12-20, 22-23 have been examined.
2. Claims 1, 9, and 16 have been amended.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1, 9, and 16 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Specifically, the amended claims add the limitation "separate viewing panels" which is not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.
5. Claims 2-4, 7-8, 10, 12-15, 17-20, 22-23 are also rejected as they depend from rejected claims 1, 9, and 16.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 1-5, 7-10, 12-20, 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burton (US. Pub. No. 2002/0055878) in view of Klatt (US. Pat. No. 6,415,277).**

Referring to claim 1, Burton teaches a system for maintaining item requests, comprising:

- a queue system for inserting any failed requests into a failed request queue (see Burton Fig. 81; ¶¶0456 lines 1-5, 17-20, a queue for problematic orders);
- a view presentation system for presenting an administrator with a view of the failed request queue (see Burton Fig. 81);
- a data presentation system for displaying data corresponding to user-initiated item requests to an administrator (see Burton Figs. 81, 86), wherein the data presentation system accesses a set of tables to obtain the data (see Burton ¶¶0496 lines 12-16; Fig. 92), and wherein the set of tables includes a party table that identifies suppliers suggested by users issuing the user-initiated item requests for fulfilling the user-initiated item requests (see Burton Figs. 81, 86, where the supplier is the restaurant selected by the user);

- a data edit system for allowing the administrator to edit the data corresponding to the user-initiated item requests (see Burton ¶¶0138, lines 5-8);
- wherein the view of the failed request queue and the data are presented to the administrator in separate viewing panels within a single browser window without opening multiple browser windows (see Burton Figs. 81, 86; see ¶¶0456 lines 1-5, 17-20).

Burton does not explicitly disclose where the requests could also be system-initiated requests. However, Klatt does (see Klatt Abstract lines 1-5; Figs. 13-14). It would have been obvious to combine these methods at the time of invention because enabling the system for maintaining item requests to also handle system-initiated requests leads to the predictable result of handling more types of orders and increased revenue.

Referring to claim 2, the combination discloses the system of claim 1, further disclosing wherein the set of tables further includes a header level text table that identifies business justifications set forth by the users for approving the user-initiated item requests (see Burton Fig. 86). The Examiner notes that a business justification for an order is the order itself, and Burton shows a list of orders in a header level text table.

Referring to claim 3, the combination discloses the system of claim 1, further disclosing a request reception system for receiving the user-initiated item requests from the users (see Burton ¶¶0133 line 4) and the system-initiated item requests from at least one external system (see Burton Fig. 2 items 112-113; ¶¶0124 lines 1-2), wherein the

request reception system further populates the set of tables using data from the user-initiated item requests and the system-initiated item requests (see Burton ¶10268).

Referring to claim 4, the combination discloses the system of claim 1, further disclosing a request processing system for assigning approvers (see Burton Fig. 62) and suppliers (see Burton Fig. 36, a user selects a supplier restaurant) to the user-initiated item requests and the system-initiated item requests. Regarding, assigning of approvers, Burton teaches a user approving a transaction (see Burton Fig. 62 "Confirm your order", "SUBMIT") and after the user *approves* the order the system assigns the user to the order via an order number (see Burton Fig. 86).

Referring to claim 5, the combination discloses the system of claim 4, further disclosing wherein the processing system processes the system-initiated requests differently from user-initiated item requests (see Burton Fig. 4 item 168 which is different from Klatt Fig. 13-14) in batch mode. The Examiner notes that batch processing data is old and well known in the art. It would have been obvious to one of ordinary skill in the art at the time of invention to batch process the data because it would save processing time which would result in saving money.

Referring to claim 7, the combination discloses the system of claim 1, further disclosing wherein the administrator is a global administrator (administrators having different permission levels) (see Burton Fig. 103, ¶10494).

Referring to claim 8, the combination discloses the system of claim 1, further disclosing wherein the view presentation system further provides a country administrator (administrators having different permission levels) (see Burton Fig. 103,

¶0494) with the view of the failed request queue (see Burton Figs. 81, 86), and wherein the data presentation system further displays the data corresponding to the system-initiated item requests and the user-initiated item requests to the country administrator (see Burton Figs. 81, 86).

Referring to claim 9, the combination teaches a method for maintaining item requests, comprising:

- receiving a user-initiated item request (see Burton ¶0133) and a system-initiated item request (see Klatt Abstract lines 1-5; Figs. 13-14), wherein the user-initiated item request identifies a supplier for fulfilling the user-initiated item request (see Burton ¶0133 line 6);
- processing the user-initiated item request and the system-initiated item request (see Burton Fig. 4 items 168, 170, 184) wherein the system-initiated item request is processed differently from user-initiated item requests (see Burton Fig. 4 item 168 which is different from Klatt Fig. 13-14) in batch with other system-initiated item requests (batch processing data is old and well known in the art);
- inserting the system-initiated item request into a failed request queue if the processing of the system-initiated item request fails (see Burton Fig. 81; ¶0456 lines 1-5, 17-20, a queue for problematic orders);
- presenting an administrator with a view of the failed request queue upon request (see Burton Fig. 81);

- accessing a set of tables to display data corresponding to the system-initiated item request and user-initiated item request to the administrator (see Burton Fig. 81), wherein the set of tables accessed includes a party table that identifies the supplier (see Burton Figs. 81, 86, where the supplier is the restaurant selected by the user);
- wherein the view of the failed request queue and the data are presented to the administrator in separate viewing panels within a single browser window without opening multiple browser windows (see Burton Figs. 81, 86; see ¶0456 lines 1-5, 17-20).

Referring to claim 10, the combination discloses the method of claim 9, further disclosing a method for assigning approvers (see Burton Fig. 62) and suppliers (see Burton Fig. 36, a user selects a supplier restaurant) to the user-initiated item requests and the system-initiated item requests. Regarding, assigning of approvers, Burton teaches a user approving a transaction (Fig. 62 “Confirm your order”, “SUBMIT”) and after the user *approves* the order the system assigns the user to the order via an order number (Fig. 86).

Referring to claim 12, the combination discloses the method of claim 9, further disclosing wherein the administrator is a global administrator (administrators having different permission levels) (see Burton Fig. 103, ¶0494).

Referring to claim 13, the combination discloses the method of claim 12, further disclosing providing the global administrator with the capability to edit displayed data (see Burton ¶0138, lines 5-8).

Referring to claim 14, the combination discloses the method of claim 9, further disclosing wherein the administrator is a country administrator (administrators having different permission levels) (see Burton Fig. 103, ¶0494).

Referring to claim 15, the combination discloses the method of claim 9, further disclosing wherein the user-initiated item request further includes a business justification for approving the user-initiated item request (a business justification for an order is the order itself) (see Burton ¶0102, lines 3-4), and wherein the set of tables accessed to display the data further includes a header level text table (see Burton Fig. 35, item 2016).

Referring to claim 16, the combination teaches a program product stored on a computer readable storage medium for maintaining item requests, which when executed comprises, comprising:

- program code for inserting any failed system-initiated item requests (see Klatt Abstract lines 1-5; Figs. 13-14) into a failed request queue (see Burton Fig. 81; ¶0456 lines 1-5, 17-20, a queue for problematic orders);
- program code for presenting an administrator with a view of the failed request queue (see Burton Fig. 81);
- program code for displaying data corresponding to system-initiated item requests and user-initiated item requests to an administrator (see Burton Figs. 81, 86), wherein the program code for displaying accesses a set of tables to obtain the data (see Burton ¶0496 lines 12-16; Fig. 92), and wherein the set of tables includes a party table that identifies suppliers suggested by

users issuing the user-initiated item requests for fulfilling the user-initiated item requests (see Burton Figs. 81, 86, where the supplier is the restaurant selected by the user);

- program code for allowing the administrator to edit the data corresponding to the system-initiated item requests and the user-initiated item requests (see Burton ¶0138, lines 5-8);
- wherein the view of the failed request queue and the data are presented to the administrator in separate viewing panels within a single browser window without opening multiple browser windows (see Burton Figs. 81, 86; see ¶0456 lines 1-5, 17-20).

Referring to claim 17, the combination discloses the program product of claim 16, further disclosing wherein the set of tables further includes a header level text table that identifies business justifications set forth by the users for approving the user-initiated item requests (see Burton Fig. 86). The Examiner notes that a business justification for an order is the order itself, and Burton shows a list of orders in a header level text table.

Referring to claim 18, the combination discloses the program product of claim 16, further disclosing program code for receiving the user-initiated item requests from the users and the system-initiated item requests from at least one external system (see Burton Fig. 2 items 112-113; ¶0124 lines 1-2), wherein the program code for receiving further populates the set of tables using data from the user-initiated item requests and the system-initiated item requests (see Burton ¶0268).

Referring to claim 19, the combination discloses the code of claim 16, further disclosing a program code for assigning approvers (see Burton Fig. 62) and suppliers (see Burton Fig. 36, a user selects a supplier restaurant) to the user-initiated item requests and the system-initiated item requests. Regarding, assigning of approvers, Burton teaches a user approving a transaction (see Burton Fig. 62 "Confirm your order", "SUBMIT") and after the user approves the order the system assigns the user to the order via an order number (see Burton Fig. 86).

Referring to claim 20, the combination discloses the program product of claim 19, further disclosing wherein the program code for processing processes the system-initiated requests differently from user-initiated item requests (see Burton Fig. 4 item 168 which is different from Klatt Fig. 13-14) in a batch mode (batch mode processing is old and well known in the art).

Referring to claim 22, the combination discloses the program product of claim 16, further disclosing wherein the administrator is a global administrator (administrators having different permission levels) (see Burton Fig. 103, ¶0494).

Referring to claim 23, the combination discloses the program product of claim 16, further disclosing wherein the program code for presenting further provides a country administrator (administrators having different permission levels) (see Burton Fig. 103, ¶0494) with the view of the failed request queue (see Burton Figs. 81, 86), and wherein the data presentation system further displays the data corresponding to the system-initiated item requests and the user-initiated item requests to the country administrator (see Burton Figs. 81, 86).

Response to Arguments

8. Applicant's arguments filed on 05/11/2009 have been fully considered.
9. Rejection Under 35 U.S.C. §101
 - a. The Applicant has amended the claims to overcome the rejection and therefore the rejection is withdrawn.
10. Applicant respectfully argues: the references cited by the Office do not teach each and every feature of the claimed invention. For example, with respect to independent claims 1, 9 and 16, Applicants submit that the cited references fail to teach or suggest that the view of the failed request queue and the data are presented to the administrator in separate viewing panels within a single browser window without opening multiple browser windows. In contrast, what Burton discloses is a list of orders as shown in Burton's Figure 81 and Paragraph 4056, Lines 1-5 and 9-15, as quoted by Examiner on Page 11 of the Office Action in the Examiner's Response to Arguments. Although the list of Burton can be searched and sorted, and shows problematic orders as well as non-problematic orders on separate rows of a list, Applicants assert that this is not the same as separate viewing panels within a single browser window.

The Examiner respectfully disagrees. Burton teaches a request queue called an "attention item" that "may be used to display any relevant information regarding one or more user orders that may or may not be problematic" (see Burton ¶10456 lines 1-5). The queue can be seen in figure 81 and shows an interface for searching orders based on keywords, places, date ranges, and other factors (see Burton ¶10456 lines 9-15).

Referring to the browser window depicted in figure 81, the "failed request queue" is shown as attention item 4112 which displays problematic orders, and it is also shown in item 4116 as the total number of orders needing attention. The "data corresponding to user-initiated item requests" is shown as attention item 4112 which displays non-problematic orders, and it is also shown in item 4116 as the total number of orders that do not need attention. This view is consistent with the text of Burton which states that attention item 4112 may be used to display any relevant information regarding one or more user orders that may or may not be problematic in any relevant form" (see Burton ¶0456 lines 1-5). This is also shown in figure 81 according to the column heading "Needs Attn?".

The Examiner and Applicant appear to disagree over the meaning of the term "separate viewing panels", which previously read "separately", in the context of how the failed request queue and the data are displayed. The Examiner has searched through Applicant's specification but cannot find any reference to the phrase "separate viewing panels" therefore the Applicant has not acted as his own lexicographer. As such, the phrase is to be afforded its usual and customary meaning. In the context of the Internet and a webpage, the phrase "separate viewing panels" has no commonly accepted meaning. The broadest reasonable interpretation provides that the failed request queue and the data are displayed in separate locations within a single browser window.

Burton teaches that both sets of data (e.g., problematic and non-problematic orders) are displayed in separate viewing panels within the same browser window in several ways. First, both problematic and non-problematic orders are displayed in

separate viewing panels in the same browser window because all orders, regardless of whether they are problematic or not, are displayed in different rows in the same list on the same webpage (see *Burton Fig. 81 item 4112*; see *Burton ¶10456 lines 3-5*, “Attention item 4112 may be used to display any relevant information regarding one or more user orders that may or may not be problematic in any relevant form”). In this instance, each row constitutes a “separate viewing panel”.

Second, both problematic and non-problematic orders are displayed in separate viewing panels in the same browser window because figure 81 has a box identifying the number of orders which need attention and a separate box identifying the number of orders which do not need attention (see *Burton Fig. 81*, a first box stating “0 orders need attention” and a second box stating “10 orders don’t need attention”). In this instance, each box containing the number of orders either needing or not needing attention, constitutes a “separate viewing panel.”

Thirdly, both problematic and non-problematic orders are displayed in separate viewing panels in the same browser window because a text search could be performed for problematic orders thus excluding non-problematic from the results, and a text search could be performed for non-problematic orders thus excluding problematic orders from the results (see *Burton Fig. 81 item 4114*, a text search box to search for orders).. In this third example, while both sets of data (problematic and non-problematic orders) are displayed in separate viewing panels, they are in fact displayed within the same browser window because nowhere does *Burton* state that in order to change the search text or keyword, a user must either close and then reopen his browser, or open a

second browser simultaneously (*see Burton Fig. 82, the search results page lists a button 4162 to take the user back to the search page described in figure 81 so that the user can perform another search; as such, the same browser window is maintained*).

The Examiner also notes that there are many other instances where Burton teaches displaying both sets of data separately in the same browser window. One such example is figure 87 which displays problematic orders and also has an option checkbox to additionally display any cancelled orders. Once an order is cancelled, it is no longer problematic. Therefore, both problematic and non-problematic (which in this case represents cancelled orders) are displayed in separate viewing panels within the same browser window because they appear in the same window in separate rows. Therefore, the Examiner is not persuaded by Applicant's argument.

11. Applicant respectfully argues that Burton classifies problematic orders with an attention item which shows whether an item needs attention. However, Burton does not actually teach that these 'problematic orders' are put into a specific queue, and a searchable list is not the same as separate views of a queue and information regarding system-initiated and user-initiated requests.

The Examiner respectfully disagrees and argues that a list of orders is in fact a queue. A queue is a sequence of items, such as data, waiting for action (*see Dictionary.com definition of "queue"*). Burton teaches a list of orders in separate rows which is a queue. Therefore, the Examiner is not persuaded by Applicant's argument.

12. Applicant respectfully argues that with further respect to independent claim 9 and dependent claims 5 and 20, Applicants continue to respectfully submit that the cited

references also fail to teach or suggest wherein the system-initiated item requests are processed differently from user-initiated item requests, and processed in batches with other system-initiated item requests. The Office states that batch processing is old and well known in the art. Applicants continue to respectfully object to the Office's use of what amounts to Official Notice by stating that such use of batch processing is obvious to one skilled in the art as asserted by the Office. Rather, especially in this context, batch processing of the system-initiated item requests is not obvious. This batch processing is a specific advantage of the current invention and is not so much as vaguely referenced in either of the references cited.

The Examiner respectfully disagrees. Batch processing data is old and well known in the art (*see Joseph Col. 7 lines 4-11*). It would have been obvious to one of ordinary skill in the art at the time of invention to batch process the data because it would save processing time which would result in saving money. Therefore, the Examiner is not persuaded by Applicant's argument.

13. Applicant respectfully argues that neither of the references cited by the Office discloses processing user initiated item requests differently from system initiated requests, which are processed in batch. Instead, the Office states that since the orders of Burton and Klatt are different, they are processed differently. As stated on Page 14 of the current Office Action, an order for pizza and an order for a flyer are processed differently. Applicants assert that any combination could have been used to make this point, and that the rejection fails to consider the claim as a whole. Accordingly, Applicants request that the rejection be withdrawn.

The Examiner respectfully disagrees. In the present instance, user initiated item requests are different than system initiated item requests. One type of user initiated request taught by Burton is an order for pizza (see Burton ¶0012). One type of system initiated request taught by Klatt is automatic printing of a flyer or brochure after a predefined number of days (see Klatt Fig. 13). The user request is processed differently because a pizza is created for a customer, and creating a pizza is different than creating a flyer. Additionally, the system request is processed differently because the flyer or brochure is reprinted after a predetermined number of days, while the order for a pizza is not automatically reoccurring. Therefore, the Examiner is not persuaded by Applicant's argument.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Batch processing is old and well known in the art and is taught by Joseph (US 6,606,603) on column 7 lines 4-11.

15. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MATTHEW ZIMMERMAN whose telephone number is (571)270-5278. The examiner can normally be reached on Mon-Thu 7:00am-3:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Smith can be reached on (571) 272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jeffrey A. Smith/
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